

REMARKS / DISCUSSION OF ISSUES

Claims 1-14 and 19-24 are pending in the application. Claims 15, 16, and 18 are canceled herein, and claims 19-24 are newly added.

The Examiner rejects claims 1-14 under 35 U.S.C. 101. The applicants respectfully traverse this rejection in view of the amendment to claim 1, upon which claims 2-14 depend. Claim 1 is specifically amended to recite that a machine performs the digital signing of the partial rights and the transfer of the signed rights to a client system. Reconsideration of this rejection is respectfully requested.

The Examiner rejects claims 16 and 18 under 35 U.S.C. 112, first paragraph; claims 16 and 18 are canceled herein, rendering this rejection moot.

The Examiner rejects claims 1-16 and 18 under 35 U.S.C. 112, second paragraph. The applicants respectfully traverse this rejection in view of the amendments to each of these claims. The applicants believe that each of the Examiner's concerns have been addressed, and respectfully request the Examiner's reconsideration of this rejection.

The applicants respectfully disagree that the elements of claims 15 and 16 are not supported in the specification; but as these claims are canceled, this issue is moot.

The Examiner rejects claims 1-12 and 14 under 35 U.S.C. 103(a) over Richards et al. (WO 01/63387, hereinafter Richards) in view of Okamoto et al. (USPA 2004/0054678, hereinafter Okamoto) and further in view of Tadayon (USPA 2005/0187877). The applicants respectfully traverse this rejection.

The combination of Richards, Okamoto, and Tadayon fails to teach or suggest separately digitally signing each partial right of the set of partial rights, resulting in a corresponding set of signed partial rights, as specifically claimed in claim 1, upon which claims 2-14 and 19 depend.

The Examiner asserts that Richards teaches decomposing a usage right into a set of partial rights and separately signing each one of the partial rights at paragraphs¹ [0026] and [0068] (Office action, page 11, lines 10-13). This assertion is incorrect. At the cited paragraphs, Richards teaches:

"The method according to the present invention also allows an owner of the data to define rules for rendering, accessing, and using the encoded data. Such rules can be a part of an encoding scheme. The rules are enforced when a recipient decodes the data." (Richards, page 4, lines 21-24.)

"The policy component 114 includes elements that define recipient's access rights to the data, such as the rights to "read/write", "save encoded", "save open", "no save", "server keyed", "render 1", "render 2", "Age 1", "Age 2", and "Use", etc. A further detailed description of the elements of the policy component 114 is shown in a box 114'. The "read/write" element indicates that full rights are granted to a recipient of the data. The "save encoded" element allows the recipient to save the data on its system only as an encrypted file. The "save open" element allows the recipient to save the data on its system in an original open format of the data. The "no save" element only allows the data to reside in a memory and to be erased upon closing of the data file by the recipient, upon aging after a certain period of time, or a pre-defined user element, etc. The "server keyed" element allows the recipient to work in conjunction with "save encoded" element. The "server keyed" element requires the recipient to authenticate itself to the server and request opening of a file. A required key will be provided by the secure server. The "render 1" element and "render 2" element allow the recipient to render the data on different ports, such as a CRT or a printer, etc. The "age 1" element defines a specific date that the recipient needs to render the data so as to prevent spoofing. The "age 2" element provides a specific time and date that an encrypted file will be erased from the system. The "age 1" element and "age 2" element may work in conjunction with the "server keyed" element. The "use" element defines the number of times that the data may be accessed or used. The "use" element may work in conjunction with the other policy elements." (Richards, page 10, line 27 – page 11, line 10.)

As is clearly evident, nowhere in these paragraphs does Richards teach that the owner separately signs each of these access rights (partial rules).

It is significant to note that Richards teaches that the collection of access rights are treated as a single component 114 of the header component 112, and Richards specifically teaches that the entire header component 112 is encrypted using a single key:

¹ The Examiner uses paragraph numbers to reference Richards. However, the published application does not include paragraph numbers. The applicants have done their best to determine which paragraphs in the published application the Examiner is referencing, but respectfully request that page and line numbers be provided if Richards is referenced in future Office action.

"The policy component 114 is incorporated into one of the elements of the header component 112." (Richards, page 10, lines 16-17.)

"The implementation of a secured session may involve the utilization of multiple encryption keys. An example of utilizing five encryption keys is presented below:

1. The first key is a fixed internal or private key accessible only by an internal code used to open a header of the encoded data." (Richards, page 15, lines 23-27.)

"A connected browser to which the persistent data control application has been integrated initiates a first-time secured session with a secure server. The persistent data control application encodes a block of data having the following three unique components: (1) a unique encoded header; (2) the encoded data; and (3) a unique persistent data control application file extension." (Richards, page 17, lines 11-15.)

"For example, the method according to the present invention merely adds an encrypted header to the original file." (Richards, page 28, lines 33-35.)

Richards provides over twenty pages of text to describe the security measures that are applied to the secured database, and throughout these pages, Richards consistently refers to the header being secured as a single entity; and nowhere in these pages does Richards teach or suggest that the components within the header, or the elements within the components within the header should be separately secured.

The Examiner notes that Tadayon discloses using multiple signatures. However, Tadayon's disclosure has no bearing on the applicants' claimed invention. Tadayon teaches that as each user modifies a document, that user will sign the document, thereby allowing each change to be traced and verified. The applicants teach and claim separately signing each particular partial right; Tadayon teaches adding multiple signatures to a single document.

The applicants further maintain that one of skill in the art would have no apparent reason to combine Richards and Tadayon in the fashion claimed by the applicants, and even if such a combination were formed, the combination would not teach or suggest the applicants' claimed invention.

In KSR Int'l. Co. v. Teleflex, Inc., the Supreme Court noted that the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and that it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed:

"Often, it will be necessary ... to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements **in the fashion claimed by the patent at issue**. To facilitate review, **this analysis should be made explicit**." KSR, 82 USPQ2d 1385 at 1396 (emphasis added).

The Examiner states that one of skill in the art would combine Richards and Tadayon for the "purpose of added security and prevent unauthorized content access, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results" (Office action, page 13, lines 1-3). While this purpose of added security and prevention of unauthorized access may provide a reason to combine Richards and Tadayon, it does not provide any reason to combine them ***in the fashion claimed by the applicants***.

The combination of Richards and Tadayon would allow Richards to track changes to the secured database, it would have no effect on the use and/or protection of access rights in Richards. The Examiner has failed to identify how the combination of teachings of Tadayon and Richards would result in the separate signing, by the provider of the access rights, of the access rights within Richards' secured header component. The ***only*** basis for suggesting that each of Richards' access rights would be individually signed is found in the applicants' disclosure.

Because the Examiner has failed to identify where Richards teaches separately digitally signing each partial right of a set of partial rights, and has failed to identify how the combination of Richards, Okamoto, and Tadayon would lead to separately digitally signing each partial right of a set of partial rights, the applicants respectfully maintain that the rejection of claims 1-12 and 14 under 35 U.S.C. 103(a) over Richards, Okamoto, and Tadayon is unfounded, and should be withdrawn.

The Examiner rejects claim 13 under 35 U.S.C. 103(a) over Richards, Okamoto, Tadayon, and Lambert (USP 7,509,421). The applicants respectfully traverse this rejection.

Claim 13 is dependent upon claim 1, and in this rejection, the Examiner relies on the combination of Richards, Okamoto, and Tadayon for teaching the elements of claim 1. As detailed above, the combination of Richards, Okamoto, and Tadayon fails to teach or suggest the elements of claim 13, and Lambert fails to cure this deficiency. Accordingly, the applicants respectfully maintain that the rejection of claim 13 under 35 U.S.C. 103(a) that relies on the combination of Richards, Okamoto, and Tadayon for teaching the elements of claim 1 is unfounded, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.
Reg. 41,508
804-493-0707
for: Kevin C. Ecker
Reg. 43,600
914-333-9618

Please direct all correspondence to:
Corporate Counsel
PHILIPS IP&S
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
914-332-0222